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Recent Legislation
Macedonia's Constitution

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MACEDONIA

Constitution of Republic of Macedonia /NOVA MAKEDONIJA 25 Nov/

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Constitution of Republic of Macedonia

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["Text" of Constitution of the Republic of Macedonia]

[Text]

**REPUBLIC OF MACEDONIA
NATIONAL ASSEMBLY OF THE
REPUBLIC OF MACEDONIA
CONSTITUTION OF THE
REPUBLIC OF MACEDONIA
CONSTITUTIONAL LAW ON THE
ENACTMENT OF THE
CONSTITUTION OF THE
REPUBLIC OF MACEDONIA**

Skopje, November 1991

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**STRUCTURE OF THE CONSTITUTION OF
THE REPUBLIC OF MACEDONIA**

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Preamble

Proceeding from the historical, cultural, spiritual, and governmental legacy of the Macedonian people and its age-old struggle for national and social freedom and for the creation of its own state, and especially from the state and legal traditions of the Krushevo Republic and the historical resolutions of ASNOM [Antifascist Assembly of People's Liberation of Macedonia] and the constitutional and legal continuity of the Macedonian state as a sovereign republic within Federal Yugoslavia, and the freely manifested will of the citizens of the Republic of Macedonia at

the 8 September 1991 Referendum, as well as the historical fact that Macedonia is constituted as the national state of the Macedonian people, in which the integral civil equality and enduring coexistence of the Macedonian people with Albanians, Turks, Wallachians, and Gypsies and other nationalities inhabiting the Republic of Macedonia are protected, and with a view to:

- Constituting the Republic of Macedonia as a sovereign and independent, civil and democratic state;
- Establishing and developing the rule of law as the fundamental system of government;
- Guaranteeing human rights, civil freedoms, and national equality;
- Ensuring the peace and coexistence of the Macedonian people with the other nationalities inhabiting the Republic of Macedonia; and
- Ensuring social justice, economic well-being, and the advancement of individual and community life.

**The Assembly of the Republic of Macedonia
hereby adopts the**

**CONSTITUTION OF
THE REPUBLIC OF MACEDONIA**

I. Basic Provisions

Article 1

The Republic of Macedonia is a sovereign, independent, democratic, and social state.

The sovereignty of the Republic of Macedonia is indivisible, inalienable, and irreversible.

Article 2

In the Republic of Macedonia, sovereignty is derived from the citizens and belongs to the citizens.

The citizens of the Republic of Macedonia exercise their power through democratically elected representatives and through referenda and other means of direct expression.

Article 3

The territory of the Republic of Macedonia is indivisible and inalienable.

The permanent borders of the Republic of Macedonia are inviolable.

The borders of the Republic of Macedonia may be changed only in accordance with the Constitution.

Article 4

The nationals of the Republic of Macedonia are citizens of the Republic of Macedonia.

A citizen of the Republic of Macedonia may not be deprived of his citizenship, have his citizenship revoked, or have his citizenship transferred to another state.

Citizenship of the Republic of Macedonia is regulated by law.

Article 5

The state symbols of the Republic of Macedonia are its seal, its flag, and its anthem.

The seal, the flag, and the anthem of the Republic of Macedonia are to be established by a law that must be passed by a two-thirds majority of the total number of representatives.

Article 6

Skopje is the capital of the Republic of Macedonia.

Article 7

The Macedonian language, written in the Cyrillic alphabet, is the official language of the Republic of Macedonia.

In addition to the Macedonian language and the Cyrillic alphabet, in local self-governing entities in which the majority of inhabitants are members of ethnic groups, the language and the alphabet of the individual ethnic groups also have official status, in accordance with the law.

In addition to the Macedonian language and the Cyrillic alphabet, in local self-governing entities inhabited by a significant number of members of ethnic groups, the language and the alphabet of the ethnic groups are also official under the conditions and means approved by law.

Article 8

The fundamental values of the constitutional system of the Republic of Macedonia are the following:

- The fundamental rights and freedoms of the person and the citizen, as accepted in international law and sanctioned by the Constitution;
- The free expression of national affiliation;
- The rule of law;
- The separation of the state powers into legislative, executive, and judicial branches;
- Political pluralism and free, direct, and democratic elections;
- Legal protection of ownership;
- Freedom of the market and of enterprise;
- Humanism, social justice, and solidarity;
- Local self-government;
- Management and humanizing of the urban environment and protection and enhancement of the environment and nature; and
- Respect for the universally accepted standards of international law.

In the Republic of Macedonia, anything not prohibited by the Constitution and the law is permitted.

II. Fundamental Rights and Freedoms of the Person and the Citizen

1. Civil and Political Rights and Freedoms

Article 9

Citizens of the Republic of Macedonia have equal rights and freedoms regardless of sex, race, color of skin, national and social origin, political or religious beliefs, or property ownership and social status.

All citizens are equal before the Constitution and the law.

Article 10

Human life is inviolable.

No death penalty may be imposed in the Republic of Macedonia for any reason.

Article 11

The physical and moral integrity of the person is inviolable.

Any kind of torture, inhuman or degrading treatment, or punishment is prohibited.

Forced labor is prohibited.

Article 12

The freedom of the person is inviolable.

No one is to have his freedom restricted except by a court sentence and in cases and actions stipulated by law.

Any individual responding to a summons or who is detained or deprived of his freedom must be informed immediately of the reasons for the summons, detention, or deprivation of freedom and of his legal rights, and may not be forced to make a statement. The individual has the right to have a defender in police and court proceedings.

An individual deprived of freedom should immediately, and no later than 24 hours from the moment of his deprivation of freedom, be arraigned in court, where a ruling must be issued without any delay on the legality of depriving him of freedom.

A person may not be detained by a court ruling for more than 90 days from the day of his detention.

An individual who has been detained may be freed to defend himself under conditions stipulated by law.

Article 13

An individual accused of committing a criminal act will be considered innocent until his guilt has been upheld by a court sentence.

An individual who has been illegally deprived of his freedom or who has been jailed or illegally sentenced has the right to indemnity for damages, as well as other rights as stipulated by the law.

Article 14

No one can be punished for an action that, prior to being committed, was not considered punishable by any law or other regulation and for which no punishment had been stipulated.

No one can be tried a second time for an action for which he has already been tried and for which a legal court ruling has been issued.

Article 15

The right to appeal individual legal acts of a court of the first instance, administrative body, or organization, or any other public institution is guaranteed.

Article 16

Freedom of belief, conscience, and thought and the public expression of thought are guaranteed.

Freedom of speech, public access, and public information and the freedom to found institutions for public information are guaranteed.

Free access to information and the freedom to receive and transmit information are guaranteed.

The right to a response in the public news media is guaranteed.

The right to a correction in the public news media is guaranteed.

The right to protect the source of information by the public news media is guaranteed.

Censorship is forbidden.

Article 17

The freedom and confidentiality of correspondence and all other means of communication are guaranteed.

The principle of inviolability of the confidentiality of correspondence may be infringed only on the basis of a court judgment, should this be required in a criminal trial or in the interest of the defense of the Republic.

Article 18

The safety and the confidentiality of private information are guaranteed.

Citizens are guaranteed protection from any harm done to their personal reputation stemming from recorded information collected for data processing.

Article 19

Freedom of religious belief is guaranteed.

Free, public, single, or group expression of religious faith is guaranteed.

The Macedonian Orthodox Church and the other religious communities and religious groups are separate from the state and are equal before the law.

The Macedonian Orthodox Church and the other religious communities and religious groups are free to found religious schools and other social and philanthropic establishments in accordance with the law.

Article 20

Citizens are guaranteed the freedom of assembly in order to exercise and protect their political, economic, social, cultural, and other rights and beliefs.

Citizens may freely found associations of citizens and political parties, join them, or withdraw from them.

The programs and activities of associations of citizens and political parties cannot be aimed at violating the constitutional order of the Republic by force, encouraging or calling for the commission of military aggression, or promoting national, racial, or religious hatred or intolerance.

Military or paramilitary associations that are not part of the Armed Forces of the Republic of Macedonia are forbidden.

Article 21

Citizens have the right to peaceful assembly and to protest publicly without giving advance notification or obtaining special permission.

The exercise of this right may be restricted only in situations of a state of emergency or war.

Article 22

Every citizen age 18 or older has the right to vote.

The right to vote is equal, universal, and direct and is exercised through free elections by secret ballot.

Individuals who are legally incapacitated have no voting rights.

Article 23

Every citizen has the right to participate in the exercise of public functions.

Article 24

Every citizen has the right to submit petitions to state authorities and other public services and to demand answers.

A citizen may neither be held liable nor suffer damaging consequences for views expressed in presentations unless they constitute a criminal act.

Article 25

All citizens are guaranteed respect for and the safeguard of the privacy of their personal and family lives, dignity, and reputations.

Article 26

The inviolability of a person's residence is guaranteed.

The right to inviolability of the home may be restricted exclusively by court ruling related to the detection or prevention of criminal acts or in order to protect public health.

Article 27

All citizens of the Republic of Macedonia have the right to free movement within the territory of the Republic and to choose their places of residence freely.

All citizens have the right to leave the territory of the Republic and to return to the Republic.

The exercise of such rights may be restricted by law only should this be required to protect the security of the Republic, to prevent a criminal act, or to protect public health.

Article 28

The defense of the Republic of Macedonia is the right and the duty of all citizens.

The exercise of this right and the duties of the citizens are governed by law.

Article 29

Foreigners in the Republic of Macedonia have the rights and freedoms guaranteed by the Constitution and in accordance with the law and international treaties.

The Republic guarantees the right to asylum to foreigners and stateless individuals persecuted because of their democratic political beliefs and actions.

A foreigner may be extradited only on the basis of a ratified international treaty and on the basis of reciprocity. A foreigner may be not extradited for a political crime. Acts of terrorism are not considered political crimes.

2. Economic, Social, and Cultural Rights

Article 30

The right of ownership and the right of inheritance are guaranteed.

Ownership generates rights and obligations and must serve the good of the individual and the community.

No one can be deprived of ownership and the rights that stem from it or have such ownership and rights restricted unless it is in the public interest as stipulated in the law.

In the case of expropriation or restriction of ownership, suitable compensation, which may not be below market value, is guaranteed.

Article 31

A foreigner in the Republic of Macedonia may acquire ownership rights under the conditions approved by the law.

Article 32

Everyone has the right to work and to choose his profession freely, to safe working conditions, and to material compensation for temporary disability.

Everyone has an equal right to hold a job.

All employees have the right to be paid for their work.

All employees have the right to daily, weekly and annual leave with pay. Employees may not surrender such rights.

The exercise of the rights of employees and their status are settled by law and on the basis of collective contracts.

Article 33

Everyone must pay taxes and other public fees and participate in the repayment of public expenditures as stipulated in the law.

Article 34

Citizens have the right to social security and social insurance as approved by law and collective contracts.

Article 35

The Republic is concerned with the social protection and social security of the citizens in accordance with the principle of social justice.

The Republic guarantees the right to aid to citizens who are disabled or unable to work.

The Republic provides special protection to the disabled and conditions for their participation in social life.

Article 36

The Republic guarantees special social rights to the veterans of the Antifascist War and all national liberation wars waged by Macedonia, to war invalids, to persons who were persecuted and jailed for the ideals of the independence of the Macedonian people and their statehood, as well as to the members of their families who are unable to provide for their own material and social existence.

Such special rights are regulated by law.

Article 37

To exercise their economic and social rights, citizens have the right to found trade unions. The trade unions may set up their own unions and be members of international trade union organizations.

The conditions for exercising the right to have a trade union organization in the armed forces, the police, and governmental bodies may be restricted by law.

Article 38

The right to strike is guaranteed.

The conditions for exercising the right to strike in the Armed Forces, the police, and the governmental authorities may be restricted by law.

Article 39

All citizens are guaranteed the right to health care.

Citizens have the right and the duty to care for and improve their own health and the health of others.

Article 40

The Republic provides special care and protection to the family.

Legal relations pertaining to marriage, the family, and extramarital cohabitation are regulated by law.

Parents have the right and the duty to support and raise their children. Children must care for their elderly or invalid parents.

The Republic ensures special protection for orphan children and children deprived of parental care.

Article 41

Every individual has the freedom to decide whether to have children.

For the sake of its coordinated economic and social development, the Republic pursues a humane population policy.

Article 42

The Republic especially protects motherhood, children, and minors.

No person under age 15 may be employed.

Minors and mothers have the right to special protection at the workplace.

Minors may not be employed in jobs considered harmful to their health or morality.

Article 43

All people have the right to a healthy living environment.

Everyone must improve and protect the living environment and nature.

The Republic provides the necessary conditions for citizens to exercise their right to a healthy living environment.

Article 44

Everyone has the right to an education.

Education is available to everyone under equal conditions.

Primary education is mandatory and free.

Article 45

Citizens have the right, under the conditions approved by the law, to found private educational institutions on all educational levels except at the primary level.

Article 46

The autonomy of the university is guaranteed.

The conditions for the founding of a university, its activities, and its termination are governed by law.

Article 47

Freedom of scientific, artistic, and other types of creativity is guaranteed.

The rights originating from scientific, artistic, or any other type of intellectual creativity are guaranteed.

The Republic will encourage, assist, and protect the development of science, the arts, and culture.

The Republic will encourage and assist scientific and technological development.

The Republic will encourage and assist technical knowledge and sports.

Article 48

Members of ethnic groups have the right to express their ethnicity freely and to promote and develop their identity and special ethnic character.

The Republic guarantees the protection of the ethnic, cultural, linguistic, and religious identity of ethnic groups.

Members of ethnic groups have the right to found cultural and artistic institutions and scientific and other associations in order to express, promote, and develop their identities.

Members of ethnic groups have the right to be taught in their own language in the primary and secondary educational systems, by the means approved by law. The Macedonian language will also be taught in schools in which training is provided in the language of the ethnic group.

Article 49

The Republic is concerned with the situation and the rights of adherents of the Macedonian people who live in neighboring countries and emigres from Macedonia. It assists them in their cultural development and promotes ties to them. The Republic is concerned with the cultural, economic, and social rights of the citizens of the Republic who live abroad.

3. Guarantees of Fundamental Rights and Freedoms

Article 50

A citizen may be summoned to defend the rights and freedoms approved by the Constitution in the courts and in the Constitutional Court of the Republic of Macedonia on the basis of the principles of priority and urgency.

The protection of the courts guarantees the legality of individual actions taken by the state administration and other public institutions.

A citizen has the right to know the principles of human rights and basic freedoms and to actively promote, individually or with others, the advancement and safeguarding of human rights.

Article 51

In the Republic of Macedonia, the laws must conform to the Constitution; all other regulations must be consistent with the Constitution and the laws.

Everyone must read the Constitution and the laws.

Article 52

Laws and other regulations must be made public before being enforced.

Laws and other regulations must be published in *SLUZH BEN VESNIK NA REPUBLIKA MAKEDONIJA* no later than seven days from the date of their promulgation.

Laws must become effective no earlier than eight days from the day of their promulgation; in special cases, if so approved by the Assembly, they may be entered into force on the day of their promulgation.

Laws and other regulations may not be retroactive, except in cases where it is to the advantage of the citizens.

Article 53

The bar is an autonomous and independent public service that provides legal aid and exercises public powers of attorney in accordance with the law.

Article 54

The rights and freedoms of the person and the citizen may be restricted only in the cases stipulated in the Constitution.

The rights and freedoms of the person and the citizen may be restricted during periods of states of war or emergency, in accordance with the stipulations of the Constitution.

Any restriction of rights and freedoms may not be discriminatory in terms of sex, race, color of skin, language, religious faith, ethnic or social origin, or property ownership or social status.

There may be no restrictions on rights and freedoms with respect to the right to life; the prohibition of torture or inhuman, degrading treatment or punishment; due process in criminal cases and punishment; or the freedom of religious belief, conscience, and thought and their public expression.

4. Basic Principles of Economic Relations

Article 55

Freedom of the market and of enterprise is guaranteed.

The Republic ensures the equal legal status of all market entities. The Republic takes steps to oppose monopolies and monopolistic behavior in the market.

Freedom of the market and of enterprise may be restricted by law only when necessary for the defense of the Republic and for the protection of nature, the environment, and human health.

Article 56

All natural resources of the Republic, the flora and the fauna, goods for public use, and items and objects of particular cultural and historical significance, as stipulated in the law, are considered goods of common interest to the Republic and are entitled to special protection.

The Republic guarantees the protection, advancement, and enrichment of the historical and artistic wealth of the Macedonian people and the ethnic groups, as well as the resources that constitute them, regardless of their legal status.

The law defines the ways and means by which certain resources of common interest to the Republic may be utilized.

Article 57

The Republic encourages economic progress and ensures equal development for inhabited areas and for the regions, as well as the faster development of territories that are insufficiently developed economically.

Article 58

Ownership and labor are the foundations for management and participation in decisionmaking.

Participation in management and decisionmaking in public institutions and services is regulated by law and based on the principles of professionalism and competence.

Article 59

Foreign investors are guaranteed the right to freely export their invested capital and earnings.

The rights acquired on the basis of invested capital may not be abridged by any law or other stipulation.

Article 60

The National Bank of the Republic of Macedonia is a central bank.

The National Bank is autonomous and is responsible for the stability of the currency, for monetary policy, and for general liquidity of payments in the Republic and abroad.

The organization and work of the National Bank are regulated by law.

III. Organization of the State Authority

1. Assembly of the Republic of Macedonia

Article 61

The Assembly of the Republic of Macedonia is the representative body of the citizens and the holder of legislative power in the Republic.

The organization and the functioning of the Assembly are governed by the Constitution and the Rules of Procedure (*Delovnik*).

Article 62

The Assembly consists of 120 to 140 representatives.

Representatives are elected at general, direct, and free elections by secret ballot.

The representatives represent the citizens and make decisions in the Assembly on the basis of their convictions.

A representative may not be recalled.

The methods and conditions governing the election of representatives are regulated by a law that is to be adopted by a simple majority of the total number of representatives.

Article 63

A representative in the Assembly is elected for a four-year term. The mandate of a representative is verified by the Assembly. The mandate starts with the constituent session of the Assembly. A newly elected Assembly must hold its

constituent session no later than 20 days after an election. The constituent session is convened by the chairman of the previous Assembly.

If no constituent meeting is scheduled within the stipulated period, the representatives must assemble on their own initiative and open the Assembly on the 21st day after the day the election was completed.

Elections for new Assembly representatives take place during the last 90 days of the term of the Assembly, or within 60 days following the dissolution of the Assembly.

The mandate of Assembly representatives may be extended only in the case of a state of war or of emergency.

By law, an Assembly representative may not combine his functions with other public functions or professions.

An Assembly is dissolved if so voted by a majority of the total number of Assembly representatives.

Article 64

Representatives are granted parliamentary immunity.

A representative may not be held criminally liable or put in custody for the views he expresses or his votes in the Assembly.

A representative may not be placed in custody without the approval of the Assembly unless he is caught in the commission of a criminal act that calls for imprisonment of no fewer than five years.

An Assembly may resolve to grant immunity to a representative even if he has not claimed it personally, should this be considered necessary for the performance of his functions.

For the duration of their terms, the representatives are exempt from conscription in the Armed Forces.

A representative has the right to remuneration in accordance with the law.

Article 65

A representative may offer his resignation.

A representative offering his resignation must do so personally at an Assembly session.

The term of a representative is ended if he has been sentenced at a criminal trial to a prison term of no fewer than five years.

A representative may have his mandate revoked if he has been sentenced for a criminal or other violation that makes him unworthy of performing his functions as a representative, as well as in the case of unjustified absenteeism from the Assembly for more than six months. A loss of mandate must be ratified by the Assembly by a two-thirds majority of the total number of representatives.

Article 66

The Assembly is in constant session.

The Assembly holds meetings.

The meetings of the Assembly are convened by the Assembly chairman.

The Assembly adopts an agenda by a majority vote of the total number of representatives.

Article 67

The Assembly elects a chairman and one or several deputy chairmen from among the representatives by a majority vote of the total number of representatives.

The Assembly chairman represents the Assembly and is in charge of the adoption of rules of procedure for the Assembly and other functions as approved by the Constitution and the Assembly's Rules of Procedure.

The function of Assembly chairman is incompatible with any other public function, profession, or position in a political party.

The Assembly chairman schedules the elections for representatives and for the president of the Republic.

Article 68

The Assembly of the Republic of Macedonia:

- Drafts and amends the Constitution.
- Drafts laws and provides an authoritative interpretation of the laws.
- Sets public taxes.
- Formulates the Republic's budget and creates the budget's balance sheet.
- Drafts a comprehensive plan for the Republic.
- Ratifies international treaties.
- Decides on declarations of war and peace.
- Makes decisions on changing the boundaries of the Republic.
- Makes decisions on entering or withdrawing from alliances or coalitions with other countries.
- Schedules referenda.
- Makes decisions on the Republic's reserves.
- Founds councils.
- Elects the government of the Republic of Macedonia.
- Elects judges for the Constitutional Court of the Republic of Macedonia.
- Appoints and dismisses judges.
- Nominates, appoints, and dismisses other bearers of public and other functions as approved by the Constitution and law.
- Exercises political control over the government and supervises the government and other public administrators, who are answerable to the Assembly.
- Grants amnesties; and
- Conducts other activities as approved by the Constitution.

In the course of its activities, the Assembly formulates decisions [*odluki*], declarations [*deklaratsii*], resolutions [*resolutsii*], recommendations [*preporaki*], and conclusions [*zakluchotsi*].

Article 69

The Assembly may conduct business only if a majority of all representatives is present. The Assembly makes decisions on the basis of a majority vote of attending representatives but no less than one-third of the total number of representatives, unless the Constitution stipulates a different majority.

Article 70

The sessions of the Assembly are public.

The Assembly may resolve to meet in executive session by a two-thirds majority vote of the total number of representatives.

Article 71

A request for legislation may be submitted by any representative, by the Government of the Republic of Macedonia, or by at least 10,000 voters.

Legislative initiatives may be submitted by individual citizens, groups of citizens, institutions, or associations.

Article 72

An interpellation concerning the work of any holder of a public function, the government, or an individual member of the government or a question concerning the work of state authorities may be submitted.

An interpellation may be submitted by no fewer than five representatives.

Any representative may ask a question.

The methods and conditions for the submission and consideration of an interpellation or a question by a representative are governed by the rules of procedure.

Article 73

The Assembly makes decisions on holding referenda on the basis of questions raised within its jurisdiction by a majority vote of the total number of representatives.

The proposed referendum is passed if it is approved by a majority of the voters, provided that a majority of those eligible to vote have voted.

The Assembly must schedule a referendum if it is requested by at least 150,000 voters.

A decision adopted as a result of a referendum is mandatory.

Article 74

The Assembly may make a decision to change the borders of the Republic by a vote of a two-thirds majority of the total number of representatives.

The decision on changing the borders of the Republic must be adopted by a referendum if approved by a majority of eligible voters.

Article 75

Laws are promulgated with a decree.

A decree promulgating a law must be signed by the president of the Republic and by the Assembly chairman.

The president of the Republic may refuse to sign a decree promulgating a law. The Assembly must review the law.

and, if it is approved by the majority of all representatives, the president of the Republic must sign the decree.

Article 76

The Assembly may set up permanent or temporary working bodies.

The Assembly may set up investigative commissions for any area or for any issue of public interest.

A motion for the establishment of an investigative commission must be submitted by no fewer than 20 representatives.

The Assembly sets up a permanent investigative commission on the defense of the rights and freedoms of the citizens.

The findings of the investigative commissions are the basis for establishing the responsibility of those who carry out public functions.

Article 77

The Assembly elects a people's ombudsman (*naroden pravobranitel*).

The people's ombudsman defends the constitutional and legal rights of the citizens, should they be violated by the state or other authorities or organizations with public powers.

The people's ombudsman is elected for a term of eight years, with the right to a second term.

The prerequisites for the appointment, the dismissal, the authority, and the work procedures of the people's ombudsman are regulated by law.

Article 78

The Assembly sets up a Council for Interethnic Relations.

The Council consists of the following: the Assembly chairman and two Macedonians, two Albanians, two Turks, two Wallachians, and two Gypsies, and two members of each of the other ethnic groups in Macedonia.

The Assembly chairman is the Council's chairman.

The Assembly appoints the Council members.

The Council considers issues related to interethnic relations in the Republic and submits ideas and suggestions for their resolution.

The Assembly must consider the views and suggestions of the Council and pass pertinent decisions.

2. President of the Republic of Macedonia

Article 79

The president of the Republic of Macedonia represents the Republic.

The president of the Republic is the commander in chief of the Armed Forces of Macedonia.

The president of the Republic exercises his rights and duties on the basis of and within the framework of the Constitution and the laws.

Article 80

The president of the Republic is elected for a five-year term at a general and direct election by secret ballot.

The president of the Republic may not be elected for more than two terms.

The president of the Republic must be a citizen of the Republic of Macedonia.

The president of the Republic must be at least 40 years old on election day.

An individual who, on election day, has not been a resident of the Republic of Macedonia for at least 10 of the past 15 years may not be elected president of the Republic.

Article 81

A candidate for president of the Republic must be nominated by at least 10,000 voters or at least 30 representatives.

The candidate who has garnered the majority of votes from the total number of registered voters is elected president of the Republic.

If the necessary number of votes has not been cast for any candidate for president in the first round, the two candidates who have garnered the highest number of votes in the first round compete in the second round.

The second round of balloting takes place within 14 days of the end of the first round.

The candidate who has garnered the majority of votes, provided that more than half of the voters have cast their ballots, is elected president.

If, in the second round, no candidate has garnered the necessary number of votes, the entire electoral procedure must be repeated.

If only one candidate has been nominated for president of the Republic and he has failed to collect the required majority in the first round, the entire electoral procedure is repeated.

An election for president of the Republic takes place during the last 60 days before the expiration of the mandate of the previous president. If, for whatever reason, the mandate of the president of the Republic is terminated, an election for a new president must be held within 40 days of the day of the expiration of the mandate.

Before assuming his duties, the president of the Republic must swear an oath of office in front of the Assembly, pledging to obey the Constitution and the laws.

Article 82

In the case of death, resignation, permanent incapacitation, or the expiration of a mandate in accordance with the Constitution, the Assembly chairman assumes the functions of president of the Republic.

The manifestation of conditions for terminating the functions of president of the Republic must be officially confirmed by the Constitutional Court of the Republic of Macedonia.

If the president of the Republic is unable to perform his functions, he is replaced by the Assembly chairman.

If the Assembly chairman assumes the functions of president of the Republic, he participates in the work of the Assembly without the right to make decisions.

Article 83

The president of the Republic cannot perform any other public function, practice a profession, or hold any position in a political party.

The president of the Republic is granted immunity from prosecution.

A decision on withdrawing the immunity of the president of the Republic must be made by the Constitutional Court of the Republic of Macedonia by a two-thirds majority vote of the total number of justices.

Article 84

The president of the Republic of Macedonia:

- Nominates a candidate to form the Government of the Republic of Macedonia.
- Issues decrees appointing and recalling ambassadors and envoys representing the Republic of Macedonia abroad.
- Accepts the credentials and the letters of recall of foreign diplomatic representatives.
- Nominates two justices to the Constitutional Court of the Republic of Macedonia.
- Nominates two members of the Republic's Judiciary (Judges).
- Appoints three members of the Security Council of the Republic of Macedonia.
- Nominates members of the Council for Interethnic Relations.
- Appoints and dismisses other government and public officials as stipulated by the Constitution and laws.
- Awards distinctions and medals in accordance with the law.
- Issues pardons in accordance with the law, and
- Performs other functions as stipulated by the Constitution.

Article 85

The president of the Republic must report to the Assembly in matters within his jurisdiction at least once every year.

The Assembly may ask the president of the Republic to give his opinions on issues within his competence.

Article 86

The president of the Republic is also chairman of the Security Council of the Republic of Macedonia.

The Security Council of the Republic has the following membership: the president of the Republic, the Assembly chairman, the prime minister, the ministers in charge of security, defense, and foreign affairs, and three other members appointed by the president of the Republic.

The Council deals with issues related to the security and defense of the Republic and submits proposals to the Assembly and the government.

Article 87

The president of the Republic is answerable for any violation of the Constitution and the laws in the exercise of his rights and obligations.

A motion to determine the responsibility of the president of the Republic must be approved by the Assembly by a two-thirds majority of the total number of representatives. The responsibility of the president is determined by the Constitutional Court on the basis of a two-thirds majority of the total number of justices.

If the responsibility of the president of the Republic is confirmed by the Constitutional Court, his functions are terminated in accordance with the Constitution.

3. Government of the Republic of Macedonia

Article 88

The government of the Republic of Macedonia holds the executive authority.

The government implements its rights and obligations on the basis of and within the framework of the Constitution and laws.

Article 89

The government consists of a prime minister and the ministers.

The prime minister and the ministers may not be members of the Assembly.

The prime minister and the ministers are granted official immunity. Their status of immunity is determined by the government.

The prime minister and the ministers are exempt from serving in the Armed Forces.

The position of prime minister or minister is incompatible with any other public functions or professions.

The organization and operating procedures of the government are regulated by law.

Article 90

Within 10 days of the convening of a new Assembly, the president of the Republic of Macedonia must entrust the mandate to form a government to the candidate of the party or parties that are in the majority in the Assembly.

Within 20 days of receiving this mandate, the candidate submits the program and the composition of the government to the Assembly.

On the basis of the motion of the candidate and the program, the Assembly elects the government by a majority vote of the total number of representatives.

Article 91

The Government of the Republic of Macedonia:

- Formulates the policy for the implementation of the laws and other regulations of the Assembly and is responsible for their execution.
- Submits laws, the Republic's budget, and other regulations to the Assembly.
- Submits the long-term plan of the Republic.
- Submits decisions on the Republic's reserves and sees to their execution.
- Issues rules and other regulations on the execution of laws.

- Approves the principles governing the internal organization and work of the ministries and other administrative bodies and guides and supervises their work
- Offers opinions on draft laws and other regulations submitted to the Assembly by other authorized bodies
- Decides on the recognition of states and governments
- Reestablishes diplomatic and consular relations with other states
- Decides on opening diplomatic and consular missions abroad
- Nominates ambassadors and envoys of the Republic of Macedonia and chiefs of consular missions abroad
- Nominates the public prosecutor
- Appoints and dismisses holders of public or other functions as stipulated by the Constitution and laws and
- Handles other problems as stipulated by the Constitution and the law

Article 92

The government as a whole and each of its individual members are answerable to the Assembly for their work.

The Assembly may pass a vote of no confidence in the government.

At least 20 representatives are needed to request a vote of confidence in the government.

A vote of confidence in the government must be taken within three days of the submission of the request for a vote of confidence.

No request for a vote of confidence in the government may be filed earlier than 30 days from the latest vote of confidence unless requested by a majority of the total number of representatives.

A decision expressing lack of confidence in the government requires a majority of the total number of representatives. If a vote of no confidence in the government is passed, the government must submit its resignation.

Article 93

The government has the right to ask the Assembly for a vote of confidence.

The government has the right to resign.

The prime minister's resignation, death or permanent inability to perform his functions leads to the resignation of the government.

The mandate of the government expires with the dissolution of the Assembly.

A government in which a vote of no confidence has been expressed that has resigned, or whose mandate has expired as a result of the dissolution of the Assembly, continues to perform its functions until a new government has been formed.

Article 94

A member of the government has the right to resign.

The prime minister may request the dismissal of a member of the government.

The motion to dismiss a member of the government must be decided by the Assembly at its next session.

If the prime minister asks for the dismissal of more than one-third of the members of the government as it was originally constituted, the Assembly may call for the formation of a new government.

Article 95

The minister and other administrative and organizational bodies administer the state in accordance with the law.

Political organizations or sections of state administrative bodies are prohibited.

The organization and the work of the state administrative bodies are regulated by laws passed by a two-thirds majority of the total number of representatives.

Article 96

The state's administrative bodies perform their duties and administer in the name of and within the framework of the Constitution and the laws, and are answerable to the government for their work.

Article 97

The state's administrative bodies for defense and police are headed by persons who must have held civilian status for no fewer than three years prior to being appointed to such position.

4. The Judiciary

Article 98

The power of the judiciary is exercised through the courts.

The courts are independent and autonomous. The courts decide cases on the basis of the Constitution, the laws, and international treaties ratified in accordance with the Constitution.

The courts are organized on a unitary basis.

The establishment of special courts is prohibited.

The legal areas of jurisdiction, establishment,osing, organization and membership of courts, as well as court proceedings are settled by a law that must be passed by a two-thirds majority of the total number of representatives.

Article 99

The mandate of appointed judges is indefinite.

A judge may not be transferred against his will.

A judge may not be:

- dismissed
- placed on leave
- transferred judicial functions to another court of the Republic
- if he qualified for a position
- if he had been sentenced for a criminal offense to a prison term of no longer than six months without parole
- if it appears, according to the opinion that he is not suitable to perform his functions as a judge, appointed by law and as judged by the judicial council of the Republic, and

—The impartial, professional and conscientious performance of judicial functions in actions stipulated by the law, as ratified by the Judicial Council of the Republic.

Article 100

The judges are granted immunity:

The decision to grant immunity is determined by the Assembly.

Judicial positions are incompatible with other public functions, the exercise of a profession, or membership in a political party.

Political organizations and actions in the judiciary are prohibited.

Article 101

The supreme court in the Republic of Macedonia is the Republic's highest court. It ensures uniformity in the application of the laws by the courts.

Article 102

Charges and sentencing are public.

In cases stipulated by law, a trial may be conducted in closed session.

Article 103

Court trials are conducted in courtrooms.

When a single judge conducts a trial, this procedure is stipulated by a law.

If stipulated in the law, trials may be by jury as well. Jurors may not be held liable for their views and decisions in court rulings.

Article 104

The Judicial Council of the Republic consists of seven members.

The members of the Council are elected by the Assembly.

The members of the Council are elected from among noted jurists for terms of six years, with the right to several terms.

The members of the Council are granted immunity. The decision to grant immunity is determined by the Assembly.

Membership in the Judicial Council of the Republic is incompatible with the performance of other public functions, the exercise of a profession, or membership in a political party.

Article 105

The Judicial Council of the Republic:

—initiates in the Assembly motions for the appointment or dismissal of judges and establishes reasons for dismissals if stipulated by the Constitution;

—decides on the disciplinary responsibility of the judges;

—ensures the professionalism and conscientiousness of judges in the exercise of their functions; and

—nominates two judges for the Constitutional Court of the Republic of Macedonia.

5. The Public Prosecutor's Office

Article 106

The public prosecutor's office is the independent and sole state body able to prosecute perpetrators of criminal or other legally punishable acts, and it performs other duties as stipulated in the law.

The public prosecutor's office performs its functions on the basis of and within the framework of the Constitution and the laws.

The public prosecutor, who is appointed or dismissed by the Assembly, serves a six-year term.

Article 107

The public prosecutor is granted immunity.

A decision of his immunity is made by the Assembly.

The position of public prosecutor is incompatible with the performance of any other public function, the exercise of a profession, or membership in a political party.

11. Constitutional Court of the Republic of Macedonia

Article 108

The Constitutional Court of the Republic of Macedonia is the Republic's body charged with protecting the Constitution and the laws.

Article 109

The Constitutional Court consists of nine justices.

The justices of the Constitutional Court are appointed by the Assembly by a majority vote of the total number of representatives. The justices are appointed for single nine-year terms and may not be reappointed.

The Constitutional Court elects a president from among its members, who serves a single three-year term.

The justices of the Constitutional Court must be noted jurists.

Article 110

The Constitutional Court of the Republic of Macedonia:

—Issues rulings on the consistency of the laws with the Constitution.

—Issues rulings on the consistency of collective contracts and other regulations with the Constitution and the laws.

—Protects the rights and freedoms of the person and the citizen with respect to freedom of belief, conscience, and thought; public expression of opinion; political assembly and action; and the prohibition of discrimination against citizens based on sex, race, or religious, national, social, or political affiliation.

—Resolves jurisdictional conflicts that may arise among the legislative, executive, or judicial branches.

—Resolves jurisdictional disputes among the Republic's bodies and local self-governing units.

—Decides on the responsibility of the president of the Republic.

—Rules on the constitutionality of programs and statutes of political parties and associations of citizens; and

—Rules on other issues as stipulated by the Constitution.

Article 111

The position of a justice of the Constitutional Court is incompatible with the performance of any other public function, the exercise of a profession, or membership in a political party.

Justices of the Constitutional Court cannot participate in prosecution. Their immunity is determined by the Constitutional Court.

The Constitutional Court justices are exempt from serving in the Armed Forces.

The functions of a Constitutional Court justice end with his resignation. A Constitutional Court justice is dismissed from his position if he is convicted of a crime and sentenced to a mandatory prison sentence of no fewer than six months or if he permanently loses his ability to perform his duties. Such a condition is determined by the Constitutional Court.

Article 112

The Constitutional Court abrogates or amends laws inconsistent with the Constitution.

The Constitutional Court strikes by its decisions any policy, law, contract, regulation, or general act, statute, or program of a political party or association should it verify that it violates the Constitution or other laws.

The rulings of the Constitutional Court are final and not subject to appeal.

Article 113

Procedures and authority related to the Constitutional Court are regulated by an act of the Court.

V. Local Self-Government

Article 114

Citizens are guaranteed the right to local self-government.

The opština is the local self-governing unit.

Various forms of local self-government may be organized by an opština.

The opština may use these own sources of revenue as defined by the law, and use funds provided by the Republic.

Local self-government is based on laws passed by a two-thirds majority of the total number of representatives.

Article 115

Within the local self-governing units, citizens participate in the decision-making process either directly or through their representatives, on problems of local importance particularly in the areas of urban development, communal activities, culture, sports, the protection of women, and children, preschool education, primary education, basic health protection, and other issues as stipulated by law.

The opština is autonomous in carrying out its duties mandated to it by the Constitution and law. The Republic monitors the legality of its work.

By law, the Republic may pass a law assigning certain tasks to an opština.

Article 116

The territorial division of the Republic and the regional boundaries of the opštinas are regulated by law.

Article 117

The city of Skopje encompasses a separate unit of local self-government, the organization of which is regulated by law.

In the city of Skopje, the citizens participate in resolving matters of importance to the city of Skopje, either directly or through their representatives, particularly in the areas of urban development, communal activities, culture, sports, the protection of women, and children, preschool education, primary education, basic health protection, and other issues as stipulated by law.

The city of Skopje takes on its own sources of revenue as stipulated by the law, and use funds provided by the Republic.

The city of autonomy in carrying out its duties is mandated by the Constitution and the laws. The Republic monitors the legality of its work.

The Republic may pass a law assigning specific tasks to the city.

VI. International Relations

Article 118

International treaties ratified by Parliament with the Constitution are part of the internal legal order and may also be amended by a law.

Article 119

International treaties may be signed or ratified by the Republic of Macedonia by the president of the Republic of Macedonia.

International treaties may also be signed by the Government of the Republic of Macedonia if so regulated by the law.

Article 120

A proposal for forming an alliance or association with other states may be submitted by the president of the Republic, the government, or at least 40 representatives.

A decision to enter into an alliance or association or association with other states may be passed by the Assembly by a two-thirds majority of the total number of representatives.

A decision to enter into or withdraw from an alliance or association with other states is submitted to the majority of registered voters may be expressed that desire in a referendum.

Article 121

A decision to join or withdraw from international organizations must be passed by the Assembly by a majority vote of the total number of representatives. A proposal for such a decision is submitted by the president of the Republic, the government, or at least 40 representatives.

VII. Defense of the Republic, States of War or Emergency

Article 122

The Armed Forces of the Republic of Macedonia ensure the territorial integrity and independence of the Republic.

The defense of the Republic is based on a law adopted by a two-thirds majority of the total number of constitutional laws.

Article 123

No one has the right to recognize the occupation of the Republic of Macedonia or of any part thereof.

Article 124

A state of war arises when there is imminent danger of an armed attack on the Republic, or when the Republic has already been attacked or war has been declared on it.

A state of war must be approved by the Assembly with a two-thirds vote by the total number of the representatives. A motion for such a decision is submitted by the president of the Republic, the government, or at least 30 representatives.

If the Assembly cannot meet, the decision to proclaim a state of war is made by the president of the Republic and submitted to the Assembly for ratification whenever that becomes possible.

Article 125

A state of emergency is declared in cases of major natural catastrophes or epidemics.

A state of emergency in the territory of the Republic of Macedonia or any part thereof must be declared by the Assembly in response to a proposal of the president of the Republic, the government, or at least 30 representatives.

The decision to declare a state of emergency is approved by a two-thirds majority of the total number of representatives; its duration may not exceed 30 days.

If the Assembly cannot meet, a decision to declare a state of emergency is made by the president of the Republic, who submits it to the Assembly for ratification whenever that becomes possible.

Article 126

When there is a state of war or of emergency, in accordance with the Constitution and the law, the government issues regulations having the force of law.

The authority of the government to issue regulations having the force of law lasts for the duration of the state of war or of emergency, as approved by the Assembly.

Article 127

If the Assembly cannot meet during the period of a state of war, the president of the Republic may appoint or dissolve the government and appoint or dismiss officials whose appointments are the prerogative of the Assembly.

Article 128

The terms of the president of the Republic, the government, the Constitutional Court justices, and the members of the Judicial Council of the Republic are extended for the duration of the state of war or of emergency.

VIII. Constitutional Amendments

Article 129

The Constitution of the Republic of Macedonia may be amended or supplemented through constitutional amendments.

Article 130

A motion to amend the Constitution of the Republic of Macedonia may be submitted by the president of the Republic, the government, or at least 30 representatives or 150,000 citizens.

Article 131

A decision to begin debate on an amendment to the Constitution must be adopted by the Assembly with a two-thirds majority of the total number of representatives.

A draft amendment to the Constitution must be approved by the Assembly by a majority vote of the total number of representatives and submitted to public discussion.

A decision to amend the Constitution must be passed by the Assembly with a two-thirds majority vote by the total number of representatives.

The Assembly promulgates constitutional amendments.

IX. Provisional and Concluding Stipulations

Article 132

The time stipulated in Article 80, Paragraph 5 includes the time of residence in other republics within the SFRY.

Article 133

A Constitutional Law shall be passed to enact the Constitution.

The Constitutional Law must be passed by a two-thirds majority vote of the total number of representatives.

The Constitutional Law must be promulgated by the Assembly and enters into force with the promulgation of the Constitution.

Article 134

The present Constitution enters into force on the day of its adoption by the Assembly of the Republic of Macedonia.

REPUBLIC OF MACEDONIA

**ASSEMBLY OF THE
REPUBLIC OF MACEDONIA**

**CONSTITUTIONAL LAW ON
THE ENTRY INTO FORCE
OF THE CONSTITUTION OF
THE REPUBLIC OF MACEDONIA**

Article 1

The Constitution of the Republic of Macedonia shall enter into force on the day of its approval by the Assembly of the Republic of Macedonia, unless the enactment of individual items is otherwise stipulated by the present Constitution.

Article 2

The state borders of the Republic of Macedonia are its established borders with the Republic of Albania, the Republic of Bulgaria, the Republic of Greece, and the Republic of Serbia.

Article 3

As a sovereign and independent state, the Republic of Macedonia conducts its international policy and its relations with other states and international agencies, organizations, and associations in accordance with the universally accepted principles of international law.

As an equal and legal successor of the SFRY, together with the other republics, the Republic of Macedonia assumes the membership held by the Republic of Yugoslavia in international agencies, organizations, and associations.

Article 4

As an equal and legal successor of the SFRY, together with the other republics, on the basis of a treaty on reaching agreement with the other republics concerning the legal succession to the SFRY and reciprocal relations, the Republic of Macedonia assumes the rights and obligations stemming from the establishment of the SFRY.

If no treaty on reaching an agreement with the other republics on the legal succession to the SFRY and on reciprocal relations is concluded, the legal succession to the SFRY and reciprocal relations with the other sovereign states of the SFRY shall be governed in accordance with the general rules of international law, as well as of the Vienna Convention on the Succession of States in Respect of Treaties of 22 August 1978 and the Vienna Convention on the Succession of States in the Areas of State Property, Archives, and Debts of 1982 [as published].

Article 5

The existing federal regulations are assumed by the Republic and fall within the jurisdiction of the bodies stipulated by the Constitution of the Republic of Macedonia.

Until a treaty has been concluded by the sovereign states of the SFRY, the Republic of Macedonia may entrust the execution of individual regulations to the federal authorities.

If the authorities stipulated in Paragraph 2 of this article implement the regulations in accordance with the sovereign status and the interests of the Republic of Macedonia, the regulations will be implemented by the Republic's bodies.

Federal regulations relating to the organization and competence of federation agencies are not applicable in the Republic of Macedonia.

Article 6

Laws that violate the provisions of the Constitution of the Republic of Macedonia must be made consistent with it within one year of the day of the promulgation of the Constitution.

Article 7

The following laws must be passed within six months of the day of the promulgation of the Constitution:

- The Law on the Judicial Council of the Republic
- The Law on Courts;
- The Law on the Public Prosecutor's Office;
- The Law on the People's Ombudsman.

—The Law on the Method of Conversion of Public Property;

—The Law on Citizenship in the Republic of Macedonia;

—The Law on the Identity Card;

—The Law on Crossing the State Borders and Traffic in the Border Zone;

—The Law on the Transit and Residence of Foreigners;

—The Law on Traveling Documents of Citizens of the Republic of Macedonia;

—The Law on the Defense of the Republic of Macedonia;

—The Law on Local Self-Government;

—The Law on the Territorial Division of the Republic of Macedonia.

Article 8

The Law on the Seal, Flag, and Anthem of the Republic of Macedonia must be passed within six months of the day of promulgation of the Constitution.

Until the promulgation of this law, the existing symbols and anthem approved by the present Constitution of the Republic of Macedonia will continue to be used.

Article 9

Citizens of other republics of the SFRY who, on the day of enactment of this Constitutional Law, have declared that they reside in the territory of the Republic of Macedonia but are not citizens of the Republic of Macedonia will have the right to acquire citizenship in the Republic of Macedonia in accordance with the Law on Citizenship in the Republic of Macedonia.

Article 10

The Assembly of the Republic of Macedonia in its present composition, the president of the Republic of Macedonia, and the Government of the Republic of Macedonia shall continue to perform their functions with the rights and obligations stipulated in the Constitution until new elections are held.

The provisions of Article 82 of the Constitution will apply after new elections are held, but not until the expiration of the term of the vice president of the Republic of Macedonia.

The vice president of the Republic of Macedonia will continue to perform his functions with the rights and obligations as stipulated in Amendment LXXV [as published] of the Constitution of the Republic of Macedonia until new elections have been held but not after the expiration of the term to which he was elected.

The Law on the Election of Representatives to the Assembly of the Republic of Macedonia, the Law on the Election of a President of the Republic of Macedonia, and the Law on Political Parties must be passed no later than three months before the holding of new elections.

Article 11

Until a treaty has been concluded by the sovereign states within the SFRY, the delegates of the Republic of Macedonia to the Assembly of the SFRY will perform their functions in accordance with the instructions of the Assembly of the Republic of Macedonia.

Article 12

Until a treaty has been concluded by the sovereign states of the SFRY, the member of the Presidency of the SFRY representing the Republic of Macedonia will perform his functions in accordance with the instructions issued by the Assembly of the Republic of Macedonia.

Article 13

Until the Law on the Defense of the Republic of Macedonia has been passed, the units, command personnel, and staffs of the territorial defense of the Republic of Macedonia will constitute the Armed Forces of the Republic of Macedonia.

The military service of the recruits and the military obligations of the reserve personnel will be performed in the Armed Forces of Macedonia as per Paragraph 1 of this article.

Article 14

The diplomatic and consular missions and the culture and information centers of the SFRY will support the interests of the Republic of Macedonia as a sovereign and independent state until a treaty has been concluded by the sovereign states of the SFRY and until its own diplomatic and consular missions and cultural information centers are opened.

Article 15

In accordance with the provisions of the Constitution of the Republic of Macedonia, the appointment of all judges and the public prosecutor in the public prosecutor's office will be accomplished no later than within six months of the establishment of the Judicial Council of the Republic.

The Judicial Council of the Republic will be established within two months of the promulgation of the Law on the Judicial Council of the Republic.

Prior to the establishment of the Judicial Council of the Republic, no appointments of judges or public prosecutors whose terms of office have expired will take place. The present judges and prosecutors shall continue to perform their duties in accordance with the Constitution of the Republic of Macedonia until appointments are made.

Article 16

The justices of the Constitutional Court of the Republic of Macedonia must be named within three months of the establishment of the Judicial Council of the Republic.

The functions of the present Constitutional Court justices will be terminated on the day the justices of the Constitutional Court of the Republic of Macedonia have been named, as per Paragraph 1 of this article.

Article 17

The present Constitutional Law is to be passed by the Assembly and enters into force simultaneously with the adoption of the Constitution.

END OF

FICHE

DATE FILMED

01 May 1992